

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

The non-elected claims, 4, 10-16 and 23 have been canceled. Applicants reserve the right to file divisionals on the non-elected subject matter.

The drawings are objected to due to an informality regarding the reference numbers in Figure 7. Applicants are submitting herewith a replacement drawing sheet with Figure 7 amended as suggested by the Examiner. Corresponding amendments to the specification regarding the description of Figure 7 have also been made.

The abstract of disclosure is objected to as being too long and utilizing the term "said". Applicants are submitting a new abstract addressing the matters raised by the Examiner.

The specification is objected to because of certain informalities. The specification has been amended to address the informalities noted by the Examiner.

Claims 1-3, 5-9, 17-20 and 22 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite based

on certain wording used in claims 1, 6 and 22 as noted at pages 5-6 of the outstanding office action. Applicants have amended the objected to wording of claims 1, 6 and 22 to clarify what is being claimed. Applicants submit that the claims are definite within the meaning of 35 U.S.C. §112, second paragraph. Withdrawal of the §112 rejection is, therefore, respectfully requested.

The outstanding rejections based on art are as follows:

- (1) Claims 1-3, 5-7 and 22 under 35 U.S.C. §102(b) over U.S. Patent No. 811,332 (Rufli); and
- (2) Claims 8, 9 and 17-20 under 35 U.S.C. §103(a) over Rufli.

Claim 1 was the sole independent claim. Independent claim 24 has been newly added.

Applicants submit that the claimed device is entirely different from the block sawing machine described in Rufli. Applicants' invention as claimed concerns a device for trim removals, wherein a series of already cut articles or products (rolls of paper, for example) are received, and based on the structure and arrangement of certain components of the device, cause a series of aligned products when received to advance with a head trim and a tail trim at the leading and trailing ends, respectively,

of the series of products. The claimed device is constructed to remove the head and tail trims while advancing the products. The products are advanced in a direction parallel to the direction along which the products are aligned.

Rufli discloses a machine containing multiple circular saws, wherein spaced planks of wood are separately pushed against a set of the circular saws 3 which are arranged coaxially on a motorized shaft 2, to provide a plurality of wood blocks from the plank. The machine is arranged to advance a plank in a direction orthogonal to the direction along which the wood blocks generated by the saw are arranged. Applicants refer to Figure 2 of Rufli, for example, wherein each plank has a longitudinal extension orthogonal to the drawing. The plank advances from the right to the left, i.e., in a direction angled at 90° with respect to the saws. The wood blocks generated from the plank by the saws 3 in Rufli are aligned at 90° with respect to the advancement direction and ends of the plank are simply discarded at the sides of the circular saw blades.

Applicants have amended claim 1 to clarify what is being claimed. The device of claim 1 is clearly distinguished over the machine described in Rufli by the

claimed arrangement of device components as to receipt and advancement of products and trimmings.

Further to the distinctions of claim 1, new claim 24 additionally defines the arrangement of the flexible member and fixed longitudinal element such that overturning of received trimmings will be caused based on overturning torque resulting from the relative arrangement of the flexible member and the fixed element. The device disclosed in Rufli is not capable of generating any overturning torque such as provided by the structure and arrangement of the flexible member and the fixed longitudinal element of claim 24. Rufli simply does not describe any structure which could serve such purpose.

Accordingly, Rufli does not teach each and every element of the claimed device and, thus, does not anticipate the claims within the meaning of 35 U.S.C. §102(b).

Further, based on the difference in structure, which is emphasized by the difference in purpose and function, Rufli does not suggest the claimed device and, therefore, does not render the claimed device obvious within the meaning of 35 U.S.C. §103(a). Withdrawal of the §102 and §103 rejections based on Rufli is therefore requested.

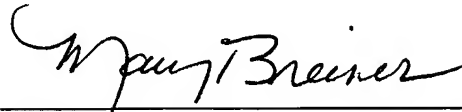
Reconsideration and allowance of the claims is respectfully urged.

6433/USSN 10/516,820
Group Art Unit 3724

Respectfully submitted,

ANGELO BENVENUTI ET AL

By



Mary J. Breiner, Attorney
Registration No. 33,161
BREINER & BREINER, L.L.C.
P.O. Box 320160
Alexandria, Virginia 22320-0160

Telephone (703) 684-6885

Attachment - Replacement Drawing Sheet